### CHARTER SCHOOL QUESTIONS AND ANSWERS

#### **O.** What are charter schools?

A. Charter schools are public, nonsectarian, independent schools that operate independently of a local or regional board of education pursuant to a state or local charter. Each charter school is considered a public agency for purposes of the Freedom of Information law and must be organized as a nonprofit entity. Conceptually, the goal for charter schools is to serve as centers for innovation and educational leadership to improve student performance and as a vehicle to reduce racial, ethnic and economic isolation. Charter schools may also have a specialized educational focus.

### Q. Are charter schools public schools?

**A.** Yes. Although charter schools may be created by nonprofit entities or individuals, they are public in function and character. They must provide free, nonsectarian education to students enrolled, and must be accessible to all children, regardless of race, color, national origin, gender, religion, sexual preference, proficiency in English, physical or mental disability, or athletic achievement.

### Q. How are charter schools governed?

A. A charter school is governed by a governing council consistent with the terms of its charter and state law. The law provides that applications to start new charter schools contain a description of the procedures to be used for the establishment of a governing council that includes teachers, parents and guardians of students, and the chairperson of the local or regional board of education of the town in which the charter school is located, or the designee of such chairperson, provided the designee is a member of the board of education or the superintendent of schools for the district and is responsible for the oversight of charter school operations. This governing body will act in much the same manner as a local school board. It will have overall responsibility for the operation and management of the school, including, but not limited to, its curriculum, the development of staff and student policies, staffing and financial operations. No member or employee of a governing council may have a personal or financial interest in the assets, real or personal, of the school. No member of a governing council shall concurrently serve on the governing council of another charter school or affiliated charter management organization.

### Q. What laws are applicable to charter schools? Can any laws be waived?

A. All state and federal laws and regulations are applicable to charter schools. The State Board of Education (SBE) may waive, upon application, any provisions of law that are under its jurisdiction, except for those laws concerning mastery testing, school health and sanitation, equal access and discrimination, teacher certification, and collective bargaining. An application for a waiver should demonstrate why the granting of the waiver is necessary

to the successful achievement of the mission and how it would assist in enhancing student achievement.

### Q. What laws apply to discipline in charter schools?

**A.** All laws that apply to local and regional boards of education apply to charter schools unless waived. Therefore, charter schools must adopt policies that provide for the fair and consistent application of disciplinary policies and procedures, afford annual notice of such policies to all students and parents or guardians, comply with due process requirements in imposing discipline, and provide an alternative educational opportunity to students who are expelled when required.

### Q. What is the difference between a local and state charter school?

**A.** A local charter school is a public school or part of a public school that is converted into a charter school and is approved by the local or regional board of education of the school district in which it is located, as well as by the SBE. It is funded by the local school district. In addition, the SBE may approve, within available appropriations, a per-student grant not to exceed \$3,000 for each student enrolled in a local charter school. A state charter school is a new school approved by the SBE and funded by the state. All charter schools may receive and expend private or public funds, including funds from local or regional boards of education, for school purposes.

### Q. How many charter schools are open?

**A.** Seventeen state charter schools are now operating.

### Q. Are there limits on the number of charter schools that can be established?

**A.** No. In determining whether to grant a charter, the SBE must consider the effect of the proposed charter school on the reduction of racial, ethnic and economic isolation in the region in which it is to be located, the regional distribution of charter schools in the state, and the potential of over-concentration of charter schools within a school district or in contiguous school districts.

### Q. Can a charter school have multiple sites?

A. Yes.

### Q. Can charters be granted for preschool and early childhood education?

A. Yes.

### Q. Is a charter school required to organize its students according to age-based grade levels?

**A.** No. While the law provides that charter schools may limit admission to a particular grade, it does not prohibit an ungraded school. Please note that ungraded schools are not excused from participating in mastery testing; students would have to be tested using comparable age classifications to the grade in which they are required to be tested.

### Q. How does a school get a charter?

A. The SBE may grant charters for local and state charter schools. Applications for local charters must first be made to the local board of education of the district in which the school will be located. The local board must vote on the application after holding a public hearing and surveying teachers and parents to determine if there is sufficient local interest. If approved, the application must be forwarded to the SBE for approval. Applications for state charters must be submitted to the SBE, which must vote on the application after holding a public hearing in the school district in which the school will be located, and soliciting comments from the board of education in which the school is to be located and those contiguous thereto.

### Q. Who can apply for a charter school?

**A.** A person, association, corporation, organization or other entity, public or independent institution of higher education, local or regional board of education or two or more boards of education cooperatively, or regional education service center may apply to establish a charter school. The law provides that no nonpublic elementary or secondary school may be converted to a charter school and no group of parents providing home instruction may establish a charter school for such instruction.

### **Q.** Who can attend a charter school?

A. Charter schools must allow open access to all students and may not discriminate on the basis of race, color, national origin, gender, religion, sexual preference, disability, athletic performance or proficiency in the English language. However, enrollment may be limited to particular grade levels. If more students apply than there are seats available, students are admitted by lottery. Charter schools may only give preference to siblings enrolled in the school. The governing council of a state or local charter school may apply to the State Board of Education for a waiver of the requirements of the enrollment lottery, provided the state or local charter school has at its primary purpose an educational program designed to serve one or more of the following populations: students with a history of behavioral and social difficulties; students identified as requiring special education; students who are English language learners; or students of a single gender.

### Q. Must the SBE give any preferences in granting charters?

**A.** Yes. The SBE must give preference to applicants:

- whose primary purpose is the establishment of education programs designed to serve one or more of the following student populations:
  - students with a history of low academic performance;
  - students who receive free or reduced-price lunches;
  - students with a history of behavioral and social difficulties;
  - students identified as requiring special education;
  - students who are English language learners;
  - students of a single gender;
- whose primary purpose is to improve the academic performance of an existing school that has consistently demonstrated substandard academic performance, as determined by the Commissioner;
- that will serve students who reside in a priority school district, pursuant to Section 10-266p of the Connecticut General Statutes, or in a district in which 75 percent or more of the enrolled students are members of racial or ethnic minorities; or
- to applicants for state charter schools that will be located at a work-site or that are institutions of higher education.

In determining whether to grant a charter, the SBE must consider the effect of the proposed school on the reduction of racial, ethnic and economic isolation in the region in which it is to be located, the regional distribution of charter schools in the state, and the potential of over-concentration of charter schools within a school district or in contiguous school districts.

### Q. If preference is given to an institution of higher education, must it be a Connecticut institution?

**A.** The law does not specify. Therefore, an application from any institution of higher education could be considered for a charter if all other requirements are met.

### Q. Is it possible for an approved charter to take a year to plan?

**A.** Yes, the SBE shall grant charters for a period of up to five years and may allow the applicant to delay its opening for a period of up to one school year to allow for planning time. The five-year lifespan of the charter begins once the school opens.

### Q. What assistance will be provided by the CSDE to charter school applicants?

**A.** The CSDE will provide technical assistance and answer questions concerning matters over which it has jurisdiction. To assist applicants in developing the charter school application, the CSDE recommends that all persons intending to submit an application attend the Bidders' Conference. For more information, please contact Robert Kelly, Charter School Program Manager, at robert.kelly@ct.gov or 860-713-6574.

#### Q. Are there limits on the number of students who can attend charter schools?

**A.** Yes. No more than 250 students or 25 percent of the enrollment of the school district in which the school is located may be enrolled in a state charter school, except that a kindergarten to Grade 8 school may enroll up to 300 students. The SBE may waive the enrollment requirements if the charter school applies to the SBE for an enrollment waiver and demonstrates a record of student achievement. The total student population in all state charter schools will be determined by the level of funding enacted by the General Assembly. There is no limit on the number of students who attend local charter schools.

### Q. How selective can charter schools be as to admission?

A. Charter schools may not discriminate on the basis of race, color, national origin, gender, religion, sexual preference, disability, athletic performance or proficiency in the English language, but may limit enrollment to a particular grade level. In addition, charter schools may conceivably limit enrollment to particular towns in accordance with the mission enunciated. If there is not space available for all students seeking enrollment, preference may be given to siblings, but, otherwise, charter schools must determine enrollment by a lottery. The governing council of a state or local charter school may apply to the State Board of Education for a waiver of the requirements of the enrollment lottery, provided the state or local charter school has at its primary purpose an educational program designed to serve one or more of the following populations: students with a history of behavioral and social difficulties; students identified as requiring special education; students who are English language learners; or students of a single gender.

### Q. Does the Sheff vs. O'Neill desegregation case have any impact on charter schools?

A. Yes. Because of the *Sheff v. O'Neill* case, the charter school legislation was amended and charter schools are now a vehicle that may be specifically used to increase racial and ethnic diversity in the public schools. The applicant for a charter must now include, in its description of its admission criteria, procedures to promote a diverse student body and efforts to increase the racial and ethnic diversity of its staff. The SBE, in making its decision to grant a charter, must give preference to schools that will serve students who reside in a priority school district or in a district in which 75 percent or more of the enrolled students are members of racial or ethnic minorities. It must also consider the effect of a proposed charter school on the reduction of racial, ethnic and economic isolation in the region in which it is to be located.

### Q. Must charters provide transportation for all students attending a charter school?

A. The local board of education of the school district in which the charter school is located must provide transportation services for the students of the charter school who reside in such school district, unless the charter school makes other arrangements for such transportation. A local board of education may provide transportation services to a student

attending a charter school outside of the district in which the student resides, and, if it does so, may be reimbursed for a portion of its reasonable costs by way of its regular transportation grant.

### O. How is a charter school financed?

As the law is currently written, the state provides funding for state charter schools on a per pupil basis in the following amounts: \$10,200 for the 2012-2013 fiscal year; \$11,000 for the 2013-2014 fiscal year; and \$11,500 for the 2014-2015 fiscal year and each fiscal year thereafter. Please note that the budget adopted following the 2013 legislative session may modify these totals. Local charter schools receive funding from the local or regional board of education of the school district where the local charter school is located, and are provided financial support at a level that is at least equal to the product of the per-pupil cost for the prior fiscal year, less the state aid for special education reimbursement for the current fiscal year, multiplied by the number of students attending the local charter school in the current fiscal year. In addition, for the fiscal year ending June 30, 2014, and each fiscal year thereafter, the SBE may approve, within available appropriations, a per-student grant not to exceed \$3,000 for each student enrolled in a local charter school. Charter schools are eligible for competitive state grants administered by the CSDE and, in accordance with federal law, for any federal funds available for the education of pupils attending public schools.

### Q. Is funding available to assist with school facility costs?

**A.** Competitively awarded grants are available to assist established state charter schools in financing school building projects and repayment of debt incurred for school building projects. Also, local charter schools may receive grants of up to \$500,000 to assist with start-up costs. Such grants may be used to assist with school facility costs.

Q. Are charter schools eligible for Pre-K funding?

A. Yes.

Q. Can charter schools charge tuition?

**A.** No.

Q. Will charter schools be required to offer courses in all academic subjects, as required by C.G.S. § 10-16b?

**A.** Yes. The law requires that all state laws apply to charter schools unless a waiver is obtained. However, it also prohibits the granting of a waiver of the requirements of mastery testing. Therefore, even if the offering of a particular subject is waived, mastery test achievement in that area must be addressed.

### Q. Who is responsible for providing services and paying the cost of educating special education students?

A. The local board of education in which the student attending a charter school resides must: hold the planning and placement team meeting for special education students; invite representatives from the charter school to participate; and pay the state charter school, on a quarterly basis, an amount equal to the difference between the reasonable cost of educating such student and the sum of the amount received by the state charter school from all sources. The charter school is ultimately responsible for implementing the student's individualized education program; however, since the local school district is responsible for paying the reasonable cost for the program, charter schools are encouraged to work closely with the local district in providing services.

# Q. Can charter schools enter into agreements with local school districts to provide special education services?

A. Yes.

### **Q.** Do all teachers have to be certified?

**A.** At least 50 percent of the teachers employed must hold a valid CSDE educator certificate obtained through a traditional route. The remaining 50 percent must hold a CSDE authorization allowing them to serve in the position for which they are employed. This may include an interim initial or interim provisional educator certificate, substitute authorization, Durational Area Shortage Permit, Nonrenewable Charter School Interim Educator Certificate, Resident Educator Permit, etc. Issuance of this certificate is contingent upon meeting entrance requirements for acceptance into the alternate route to certification and completion of required tests. The Commissioner of Education may waive these requirements for any administrator or person providing instruction or pupil services employed by a charter school who holds a charter school educator permit, provided not more than 30 percent of the total number of administrators and persons providing instruction or pupil services hold the charter school educator permit for the school year. However, charter applicants are not eligible for consideration of this waiver. The Commissioner may consider requests for waivers of the certifying requirements only after: the school governance council has been established in accordance with Section 10-66bb, as amended, of the Connecticut General Statutes; and teachers and administrators for whom the waivers are sought have been identified and are able to demonstrate evidence of effectiveness.

### Q. Do administrators have to be certified, and, if so, what certification is required?

**A.** Yes. Administrators must be certified as such, in accordance with Sections 10-145d-572 et seq. of the Regulations of Connecticut State Agencies, if they serve in a capacity that the regulations describe as administrative.

### Q. Are charter schools required to have administrators?

**A.** No. The law does not require that charter schools employ administrators. However, there may be some statutorily imposed administrative duties that must be performed by a certified administrator, including teacher evaluation and student suspension and expulsion. A charter school may either employ an administrator or arrange to have these duties performed by contract for the services, or enter into a cooperative arrangement with another school district. Certified administrators must hold 092 certification or a charter school educator permit.

### Q. Can the requirements of law concerning collective bargaining be waived?

A. No. The governing council of the school serves as the school board for collective bargaining purposes. Certified employees of local charter schools are members of the bargaining unit of the school district in which the charter school is located and covered by the same agreement. However, a majority of the governing council and professional employees may modify the collective bargaining agreement. Employees of state charter schools may choose to form a collective bargaining unit and bargain collectively, but they are not required to do so.

### Q. Who oversees a charter school?

A. A charter school is governed by its governing council in accordance with the terms of its charter and state law. All charter schools must submit annually to the Commissioner a report on the condition of the school, which shall include: the progress of its students; its financial condition, including a certified audit statement of all revenues and expenditures; the accomplishment of its mission, purpose and any specialized focus of the school; the racial and ethnic composition of the student body and efforts taken to increase the racial and ethnic diversity of the student body; and best practices employed by the school that contribute significantly to the academic success of students. In the case of a local charter school, this report must also be submitted to the local board of education for the district in which the school is located.

### Q. What are the reporting requirements of charter schools?

**A.** The governing council of a charter school must annually submit a school profile, as described in subsection (c) of C.G.S. § 10-220, to the Commissioner of Education. In addition, the governing council of a charter school must annually submit to the Commissioner a report that consists of the educational progress of students in the school; the financial condition of the school, including a certified audit statement of all revenues and expenditures; accomplishment of the mission and any specialized focus of the charter school; best practices employed by the school that contribute significantly to the academic success of students; and the racial and ethnic composition of the student body, as well as efforts taken to increase the racial and ethnic diversity of the student body.

### Q. How will charter schools be evaluated?

A. Each charter school must submit an annual report concerning the educational progress of the students who attend the school, its financial condition, the accomplishment of its mission, the racial and ethnic composition of its student body, efforts taken to increase the racial and ethnic diversity of the student body, and best practices employed at the school. Each charter school must also submit an annual financial audit on December 31 of each year. This consists of the audit required by the CSDE for its End-of-Year Revenue and Expenditure Report (the ED001C due on September 1 of each year) and the State Single Audit required of all nonprofit corporations receiving state funds. In addition, each charter school must comply with the provisions of its charter and applicable laws or face probation or revocation of its charter. The CSDE also requires compliance with an accountability plan that includes annual site visits. Students attending charter schools must also take the Connecticut Mastery Test in Grades 3–8 and the Connecticut Academic Performance Test in Grade 10, the results of which must be included in a school's assessment of its students' performance.

### **Q.** Can a charter be revoked?

**A.** Yes. The law provides that the SBE may revoke a charter at any time for the reasons specified in the statute. The Commissioner can place a charter school on probation for the reasons specified in the statute.

### **State Charter School FAQ**

- Q. How will it be determined whether a school's mission, purpose and specialized focus is to provide dual language programs or other models focusing on language acquisition for English language learners?
- **A.** A fact-intensive analysis will be used to consider the content of the following application sections: mission and vision statements, educational philosophy, curriculum, instruction, student composition, services, policies, and financial plan, and other relevant sections.

#### **Local Charter School FAQs**

Q. Are there currently any local charter schools open?

**A.** No.

O. Have there ever been local charter schools in Connecticut?

**A.** Yes, there have been two local charter schools in Hartford. Sports Sciences Academy was founded in September 1997 as Hartford's first local charter high school. In 2002, it became an interdistrict magnet school: Sport & Medical Sciences Academy. Breakthrough Charter School opened in September 1998 as a school-within-a-school local charter, serving pre-K to Grade 6. In September 2002, it became Breakthrough Magnet School.

Q. Is the application for state charters the same application for local charters?

A. Yes.

Q. Who can apply for a local charter?

**A.** Any person, association, corporation, organization or other entity, public or independent institution of higher education, local or regional board of education or two or more boards of education, cooperatively, or regional educational service centers may apply to the Commissioner, at such time and in such manner as the Commissioner prescribes, to establish a charter school, provided no nonpublic elementary or secondary school may be established as a charter school and no parent or group of parents providing home instruction may establish a charter school for such instruction.

Q. Are local charter schools controlled by local or regional boards of education or the superintendent of schools of the towns in which they are located?

A. No. The law provides that charter schools operate independently of any local or regional board of education in accordance with the terms of its charter and state law. Charter schools must submit an annual report to the Commissioner of Education concerning the educational progress of the students, the financial condition of the school, accomplishment of the school's mission, the racial and ethnic composition of the student body and efforts taken to increase the racial and ethnic diversity of the student body, and best practices employed at the school. In the case of a local charter, this report must also be sent to the board of education of the town in which the school is located.

### Q. Can a local charter school open in an existing school building that currently doesn't have students?

**A.** Yes. A local charter school is a public school or part of a public school that is converted into a charter school. The school building does not need to have students at the time of conversion.

# Q. A local charter can be part of a public school. Can a charter operator convert one grade to a local charter and then phase out the other grades in the traditional public school?

A. Yes, but mutual agreement must be reached between the charter operator and school administration in consultation with the local board of education. Among vital considerations, both parties must ensure school grade continuity that avoids any potential disruption of educational delivery. In addition, any agreement must conform to modifications made to the teacher's collective bargaining agreement consistent with state law.

## Q. Does an applicant have to submit a letter of interest to the CSDE before applying for a local charter?

**A.** No, submitting a letter of interest is voluntary.

### Q. What is the application process for a local charter?

A. After the Commissioner determines the time and manner of the application process, an application for the establishment of a local charter school shall be submitted to the local or regional board of education of the school district in which the local charter school is to be located. The local or regional board of education shall: review the application; hold a public hearing in the school district; survey teachers and parents to determine if there is sufficient interest in the establishment and operation of the local charter school; and vote on a complete application not later than 60 days after the date of receipt of such application. The local or regional board of education may approve the application by a majority vote of the members of the board present and voting at a regular or special meeting of the board called for such purpose. If the application is approved, the board shall forward the application to the SBE. The SBE shall vote on the application not later than 75 days after the date of receipt. The SBE may approve the application and grant the charter for the local charter school, or reject such application by a majority vote of the members of the state board present and voting at a regular or special meeting of the state board called for such purpose. The SBE may condition the opening of the school on the school's

meeting certain conditions determined by the Commissioner to be necessary, and may authorize the Commissioner to release the charter when he determines such conditions are met.

# Q. Can a local or regional board of education amend the local charter application process?

**A.** The application process is clearly established in C.G.S. § 10-66bb; the local or regional board of education must follow the required steps of the process.

### Q. What rules govern a local or regional board of education's approval of a local charter?

**A.** The application process is clearly established in C.G.S. § 10-66bb, and the application includes detailed criteria for the actual review of the application.

# Q. If a local charter is approved by a local or regional board of education, does the applicant have to submit additional information to the SBE?

**A.** The local or regional board of education will forward the applicant's information to the SBE. The applicant is not required to submit any additional materials unless requested to do so by the CSDE.

# Q. If a local charter is approved by a local or regional board of education, is there any basis on which the SBE could disapprove it?

**A.** Yes, if the application does not meet the requirements imposed by law. If all requirements are met, it is likely that the SBE would grant the application.

# Q. What is considered sufficient for the local charter survey requirement described in C.G.S. § 10-66bb(e)(3)?

**A.** As part of the application process for the establishment of a local charter, the local or regional board of education shall survey teachers and parents in the school district to determine if there is "sufficient interest" in the establishment and operation of the local charter school. The definition of "sufficient interest" is left to the discretion of the local or regional board of education.

- Q. Public Act 12-116 § 31 describes a grant program for local charter schools. When is the grant accessible, and is it automatic? How is the exact amount of the grant determined?
- **A.** Grant applications shall be submitted to the CSDE at such time and in such manner as it prescribes; the CSDE may develop guidelines and grant criteria to administer the grant. The grant is not automatic. For the fiscal year ending July 30, 2014, and each fiscal year thereafter, the CSDE may award, within available appropriations, a grant up to \$500,000 to any town in which a newly established local charter school is located, to be paid to the fiscal authority of the local charter not later than July 15 to assist with the start-up costs of such local charter school. To be eligible for the grant, an applicant must submit an application that satisfies one of the following conditions: the applicant has high-quality, feasible strategies or a record of success serving students from among the following populations: students with histories of low academic performance; students who receive free or reduced-price school lunches; students with histories of behavioral and social difficulties; students eligible for special education services; students who are English language learners; or students of a single gender; or the applicant has a high-quality, feasible plan for turning around existing schools that has demonstrated consistently substandard student performance, or a record of success in turning around such schools. The CSDE shall determine whether the applicant satisfies these provisions. The amount of a specific grant is determined by the availability of funding.
- Q. Pursuant to Public Act 12-116 § 29(c), the state may provide a per student grant to a local charter school in an amount not to exceed \$3,000 for each student enrolled. Is there a possibility that the state could provide less than \$3,000? How will the exact amount be determined?
- **A.** Yes, the state may provide less than \$3,000. The amount of a specific grant is determined by the availability of funding.
- O. Can a local charter school hire its own staff?
- **A.** Yes. A local charter school is able to hire its own staff in accordance with existing collective bargaining agreements, the terms of the charter agreement, and state law.
- Q. Are charter school educator permits applicable to local charter schools?
- **A.** No, the permits are exclusively for state charter schools.

- Q. Is a local charter school required to agree to a memorandum of understanding with the local or regional board of education?
- **A.** No. The law provides that charter schools operate independently of any local or regional board of education, in accordance with the terms of its charter and charter school legislation. However, a local charter school may voluntarily agree to a memorandum of understanding with a local or regional board of education.
- Q. Are local charter schools subject to random audit by the Commissioner?
- **A.** No, randomly selected annual audits only apply to state charter schools.
- Q. Can a local or regional board of education revoke a local charter?
- **A.** No, only the SBE may revoke a charter.
- Q. Can a local or regional board of education ever not renew a local charter?
- **A.** No, only the SBE may decide whether to renew a charter.
- Q. Can a local or regional board of education place a local charter on probation?
- **A.** No, only the Commissioner may place a charter on probation.